

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

PABLO ESTEVEZ-GONZALEZ,

Petitioner,

v.

EDGARDO COLOMBA-RIVERA, et al.,

Respondents.

Civil No. 06-1424 (ADC)

ORDER

Petitioner, Pablo Estevez-González (“petitioner”), filed a petition for a writ of habeas corpus pursuant to 29 U.S.C. § 2254 (the “petition”) on May 3, 2006, alleging that: (1) he had been denied equal protection of law protection because co-defendants in his criminal case had received lighter sentences; (2) the state courts did not take account of the fact that he is from the Dominican Republic and he does not understand the legal system in Puerto Rico; (3) his sentence is excessive and at its completion he will be deported; and (4) his attorney provided ineffective assistance by failing to contact him regarding issues during his trial *in absentia* and his request that the attorney file a motion for reconsideration on his behalf.

Docket No. 2. The case was referred to Magistrate-Judge Marcos E. López (the “Magistrate-Judge”) on August 20, 2008. **Docket No. 13.** On April 1, 2009, the Magistrate-Judge issued a Report and Recommendation (“R & R”) which recommended dismissing the petition.

Docket No. 15. Objections to the R & R were due by April 20, 2009, but none were filed.

I. Standard of Review for Objections to A Report and Recommendation

A district court may refer pending motions to a magistrate-judge for a report and recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b); L. Civ. R. 72(a). Any party adversely affected by the recommendation issued may file written objections within ten (10) days of being served with the report and recommendation. 28 U.S.C. § 636(b)(1). However, “[a]bsent objection by the plaintiffs, [a] district court ha[s] a right to assume that [a party] agree[s] to the magistrate’s recommendation.” *Templeman v. Chris Craft Corp.*, 770 F.2d 245,

247 (1st Cir. 1985), *cert. denied*, 474 U.S. 1021 (1985). Accordingly, absent a proper objection, the court need only satisfy itself that there is no plain error in order to accept an unopposed Report and Recommendation. *Pellot-Bermúdez v. U.S.*, Civ. No. 04-1702 (DRD), 2006 WL 3007480, *2 (D.P.R. Sept. 22, 2006).

II. Discussion/Conclusion

Upon review of the R & R, considering the legal issues raised and the clear applicable statutory provisions, the court finds no reason to depart from the Magistrate-Judge's recommendations. More so, up to this date, petitioner has failed to object to the R & R. Accordingly, the court **ADOPTS** the R & R in full (**Docket No. 15**), thereby **DISMISSING WITH PREJUDICE** petitioner's petition for a writ of habeas corpus (**Docket No. 2**).

SO ORDERED

At San Juan, Puerto Rico, on this 24th day of April, 2009

S/AIDA M. DELGADO-COLÓN
United States District Judge